

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF GEORGIA  
COLUMBUS DIVISION

MARK BRAMLETT,	*	
	*	CASE NO. 4:07-CV-90025 (CDL)
Petitioner,	*	
vs.	*	
	*	CASE NO. 4:06-CR-04 (CDL)
UNITED STATES OF AMERICA,	*	
	*	
Respondent.	*	

ORDER ON REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE

After a *de novo* review of the record in this case, the Report and Recommendation filed by the United States Magistrate Judge on May 18, 2009 is hereby approved, adopted, and made the Order of the Court.

The objections and supplemental objections of the Petitioner have been considered and are found to be without merit.

The Court specifically notes that contrary to Petitioner's counsel's contention in his objections to the Magistrate Judge's Report and Recommendation, the Magistrate Judge did address Petitioner's ineffective assistance of counsel claim arising from trial counsel's failure to file a motion to dismiss based upon The Speedy Trial Act. See Report and Recommendation, pp. 6-7 (Doc. 104). Although the Magistrate Judge did spend considerable time analyzing and ultimately rejecting any constitutional speedy trial claim, the Magistrate Judge also addressed and rejected any ineffectiveness claim arising from the failure to seek dismissal under The Speedy Trial Act. The Magistrate Judge premised his discussion of that claim by recognizing that Petitioner contended that "his trial

attorney was ineffective for not having moved the court for dismissal under the Speedy Trial Act." *Id* at 6. The Magistrate continued by setting out the *Strickland v. Washington* standard for the ineffective assistance claim. Then the Magistrate Judge found that "Petitioner cannot show that his counsel's conduct resulted in any prejudice to him, or that no other attorney would not have acted exactly as Petitioner's attorney did in this respect." *Id* at 7. Finally, the Magistrate Judge added that "having failed to show prejudice, actual, presumptive, or otherwise, Petitioner's claim lacks merit and should be denied." *Id*.

The Court finds that the Magistrate Judge clearly addressed Petitioner's ineffective assistance claim arising from trial counsel's failure to seek dismissal under The Speedy Trial Act. The Court also finds that the Magistrate's conclusions regarding this claim, as well as his conclusions as to all other claims asserted by Petitioner in his Petition, are correct, and thus the Court accepts the Magistrate's recommendation that Petitioner's motion be denied in its entirety.

IT IS SO ORDERED, this 11th day of June, 2009.

S/Clay D. Land  
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CLAY D. LAND  
UNITED STATES DISTRICT JUDGE